

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA                   :  
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JUSTIN CARL MOOSE                           :

1:10CR358-1

FACTUAL BASIS

NOW COMES the United States of America, by and through John W. Stone, Jr., Acting United States Attorney for the Middle District of North Carolina, and pursuant to Rule 11, Fed. R. Crim. P., states the following as a factual basis for the defendant's guilty plea.

On or about August 9, 2010, the FBI, Charlotte Division, received information from the Planned Parenthood Association that an individual in the North Carolina area was advocating violence against women's healthcare clinics; specifically, locations where abortions are performed, and the healthcare professionals employed at these facilities. The individual described by the Planned Parenthood Association, Justin Moose, was utilizing the Facebook (FB) social networking website as a platform to promote this activity. Additionally, the Facebook page in question indicated Moose resided in Concord, North Carolina.

Under his picture on his FB page, Moose described himself in the following manner:

**Whatever you may think about me, you're probably right. Extremist, Radical, Fundamentalist...? Yep! Terrorist...? Well.... I prefer the term "freedom Fighter". "End abortion by any means necessary and at any cost". "Save a life, Shoot an abortionist"**

From January 19, 2010, until he was arrested, Moose made numerous statements advocating the use of violence in order to affect his political or ideological beliefs. The majority of these postings relate to the issue of abortion and the murder of abortion providers.

On August 3, 2010, Moose placed the following posting on his FB wall: "The best TATP instructions on the internet." and a link to the web site: <http://chemistrysci.org/TATP.html>. FBI SA Mark Aysta, reviewed the website and determined that it contained a recipe for creating the explosive material TATP, including precursor ingredients and numbered step-by-step manufacturing instructions. Moose further commented on August 04, 2010 by posting the following:

**TATP should not be used as a primary explosive due to its high sensitivity to shock. It is however useful as a detonator for other high explosives like RDX and amfo. For this it should be placed in a cardboard tube as metal will cause TATP to destabilize. It is a sufficient replacement for mercury fulminate in blasting caps. Do not tamp. You will lose your hand. The ice bath is mandatory as without it DADP is produced which is very unstable. Nitrocellulose can be dissolved in the acetone prior to synthesis to further stabilize the explosive.**

On September 3, 2010, FBI SA Aysta read the instructions and ingredient list provided on the link to the website

<http://chemistrysci.org/TATP.html> to Dr. Kirk Yeager, FBI Laboratory Division, Explosives Unit. Dr. Yeager confirmed that by utilizing the ingredients and instructional sequence articulated on the website, it would result in the manufacture of explosive material.

On August 25, 2010 Moose's "MY SPACE" account was reviewed by an employee of the FBI. From this account several photographs were found. One such photograph included a juvenile female holding an assault rifle, a juvenile male wearing a ballistic vest, a black assault rifle hanging on a door, and three additional photographs. It is unclear what these additional photographs actually represent, however, upon review of the photographs by a certified FBI bomb technician, the photographs appear to be of a device that is consistent with some of the basic elements of an improvised explosive device (IED). Specifically, the device appears to contain a battery and an electrical circuit capable of producing a spark within a cutaway PVC pipe.

A search warrant was issued by the United States District Court, Middle District of North Carolina, and executed on Moose's FB account and private messaging. In a private message between Moose and another known anti-abortion extremist Moose wrote the following:

**If there's any good that I do, I give the glory to my Father God. And if there's any bad I do, well I guess I can take credit for that:) As far as I'm concerned nothing is off limits to stop abortion. Anything and**

**everything goes. I have learned a lot from the muslim terrorists and have no problem using their tactics. People say sarcastically "what's the difference between a Christian terrorist and a Islamic terrorist" I tell them simply that I'm right and I serve a living God! THAT'S the difference.**

On September 3, 2010, a Confidential Human Source, hereinafter referred to as CHS, engaged in a telephonic conversation with Moose. During the conversation, the CHS explained that his best friend's wife was planning on doing something that he strongly opposed. As CHS attempted to explain that she was about to have an abortion, Moose made the statement "say no more." As the CHS continued to say that he wanted to take action before she did, Moose interjected and stated "I understand and I can help." Moose discussed the incendiary material Thermite, described its basic composition, and then stated that some "places" have gas lines. It appears that Moose was suggesting that Thermite would melt metal and when placed on a gas line, would ignite the gas causing an explosion. The CHS and Moose made plans to speak and coordinate a meeting for the following day.

On September 4, 2010, the CHS and Moose met at the TGI Fridays restaurant located at 8041 Concord Mills Boulevard, Concord, North Carolina. During the conversation, the CHS pointed at a piece of paper with the name and address of an abortion clinic within North Carolina written on it. The CHS stated several times that he intended to destroy the building to prevent his best friend's wife from having an abortion. Moose acknowledged the CHS's plans,

indicated that he knows of the facility, and proceeded to provide the CHS with instructions on how to utilize and/or manufacture three separate explosives or incendiary materials. These devices included the following:

1. An ammonium nitrate and fuel oil explosive (commonly referred to as anfo) that is initiated by the high explosive TATP;
2. Thermite and natural gas; and
3. Gasoline and a road flare.

Moose then spent over an hour explaining the benefits and shortfalls of these techniques, as well as how to best deploy them. During this meeting, the CHS displayed a copy of the document that describes how to make TATP from the link Moose provided on his FB page. The CHS asked if sulfuric acid from a pool supply store was of sufficient quality. Moose stated he has used a motorcycle battery from Auto Zone to obtain the sulfuric acid. Moose suggested that CHS could also utilize muriatic acid which is actually hydrochloric acid and commercially available from the paint section of a Lowes Home Improvement store. Moose told the CHS that there were two important things to keep in mind when making TATP. The first was to keep the solution very cold, and suggested putting it in a cooler of ice and beer. The second point was to wash the crystals thoroughly with a baking soda and water solution to neutralize the acid in order to stabilize the TATP. Moose then told the CHS if he was not familiar with explosives he

would need to practice with them. Moose also told the CHS to quadruple the recipe he had in order to obtain sufficient explosive power to detonate the anfo. Moose also explained how to pack the TATP in a used cardboard rocket engine in order to contain the material for sufficient detonation.

The CHS advised Moose that he was going to obtain hydrogen peroxide from a local beauty supply store. Moose advised the CHS to purchase Baquicil known as H2O2, and is utilized as a pool aid. Moose stated that this was the "major source" of hydrogen peroxide for those who make TATP. Moose also stated that the CHS can utilize over the counter 3%-6% hydrogen peroxide, but would need to use more acid, thereby making the TATP more unstable. Moose cautioned the CHS not to order any items over the internet, but rather walk into stores to purchase these chemicals.

At one point, Moose told the CHS, "I want you to be successful. If any of this stuff gets out, you can go away before you finish your mission." "TATP is a high explosive. It's illegal to make high explosives." Moose and the CHS discussed the methods to ignite TATP and Moose stated that he had cannon fuses. Moose told the CHS he can purchase the same fuses in South Carolina.

Moose told the CHS that he (Moose) is a member of the Army of God, and stated, "The Army of God is a phantom cell organization. I have set up groups. I train people and this is not my first rodeo." Moose went on to say, "If they put me away right now, if

I never make it home, it doesn't matter because I've already told you everything you need to know."

Moose also explained how to conduct reconnaissance missions on the clinic. Specifically, Moose instructed the CHS to go to a local bar, have several beers, and stagger around the facility. If confronted and questioned, the CHS could utilize the excuse that he was looking for a place to urinate. Moose explained that he would only be arrested for public drunkenness, but it is better than conspiracy or trespassing.

Moose then counseled the CHS about the placement of explosives within the building. Moose explained that explosives are spherical, and in order to obtain maximum damage, the CHS should enter the building and place the device inside. Moose recommended a four foot fuse in order to have enough time to exit the building. Moose stated that the fuse burns at a rate of a foot every thirty seconds or one minute. When the CHS stated he wanted to "level" the building, Moose recommended a five gallon bucket of anfo that was detonated by TATP.

On several occasions during their conversation about explosives, Moose suggested that the easiest course of action to ensure success was to simply use ten gallons of gasoline and a road flare. Moose suggested that the CHS purchase two five gallon buckets with lids from Lowes and fill them with gasoline. Then, after the CHS gained entrance to the clinic by breaking a window or

door, the CHS should dump the gasoline inside, light the road flare, and run out of the building. Moose stated, "The more complicated the device is, the more prone to failure it will be". Moose also said it would be "more effective", "more guaranteed", and that CHS would not "blow himself up." When the CHS reiterated that he wanted to permanently destroy the building and not just start a fire, Moose continued discussing the use of anfo and TATP.

On September 5, 2010, the CHS engaged in a telephonic conversation with Moose that was recorded by the FBI and reviewed by investigative personnel. In the recording, the CHS told Moose that he had acquired the ingredients to build the TATP, and was in the process of synthesizing the material. The CHS asked Moose several technical questions about why the material had certain chemical reactions and expressed concerns about whether the material would prematurely explode. These questions were based upon information received by Dr. Yeager and were provided to the CHS for inclusion in the CHS's dialogue with Moose. Based upon the information provided by Dr. Yeager, Moose's responses to these questions were consistent with the chemical reactions that occur when making TATP. Moose answered the CHS's questions about why the chemicals reacted in the manner that they did, and offered suggestions to the CHS about how to add the chemicals correctly. During one stage of the process, Moose instructed the CHS to add one of the chemicals more slowly than the CHS described and to



utilize a graduated dropper or syringe to ensure a premature explosion did not occur.

On September 9, 2010, a search warrant was executed on Moose's residence. FBI agents located several firearms. Also, remnants of a burned metal timer were discovered. Further, agents seized fuse wire, safety fuse and a plastic bag containing metal shavings. Potassium Permanganate, a dual use material that can act as a chemical precursor for explosives was also seized.

This the 29th day of October, 2010.

Respectfully submitted,

JOHN W. STONE, JR.  
ACTING UNITED STATES ATTORNEY

/S/ GRAHAM T. GREEN  
Assistant United States Attorney  
NCSB #22082  
United States Attorney's Office  
Middle District of North Carolina  
251 N. Main Street  
Winston-Salem, NC 27101  
Phone: 336/631-5268  
E-mail: graham.green@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2010, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Walter Clinton Holton, Jr., Esquire

/S/ GRAHAM T. GREEN  
Assistant United States Attorney  
NCSB #22082  
United States Attorney's Office  
Middle District of North Carolina  
251 N. Main Street  
Winston-Salem, NC 27101  
Phone: 336/631-5268  
E-mail: [graham.green@usdoj.gov](mailto:graham.green@usdoj.gov)